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-- REMARKS --

The specification has been amended to correct a typographical error, and no new matter has been entered with the amendment to the specification.

A. Claim 20 was objected to under double patenting

Claim 20 has been cancelled, and Applicant requests withdrawal of the rejection to claim 20.

B. Claims 1, 2, 5-10, 12, 13 and 16-20 were rejected as unpatentable over Patterson in view of Dougherty

The §103(a) rejection of claims 1, 2, 5-10, 12, 13 and 16-20 is traversed. To maintain this §103(a) rejection, the references, alone or in combination must teach or suggest each and every element of the claims.

Patterson in view of Dougherty does not teach or suggest "creating a noise parameter based on the vehicle condition inputs" as claimed in claims 1, 10 and 12. Withdrawal of the rejections to claims 1, 10 and 12 is requested. Claims 2, 5-9, 13 and 16-19 depend directly or indirectly from claims 1 or 12 and are therefore patentable over the references for at least the same reason. Claim 20 has been cancelled.

As noted in the specification, "hands-free system 133 performs the required operations on the input data to form a noise parameter." (page 18, lines 8-9). Thus, Applicant has defined, as her own lexicographer, that a noise parameter is actively generated based on the input data. At most, Patterson teaches that the input from an environmental sensor is passed to the audio gain controller. See, column 4, lines 42-54.

Indeed, Patterson teaches away from the instant claims with the teaching that the proper gain settings are selected from "a plurality of predetermined settings based on the identified ambient acoustic environment." Column 4, lines 44-50. By teaching that gain is set by predetermined settings stored in memory, Patterson unequivocally teaches away from "creating a noise parameter based on the vehicle condition inputs; and adjusting a noise

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suppression algorithm of the hands-free system based on the created noise parameter."

Furthermore, Dougherty also teaches away by teaching that a table of noise data is required and that the table is constructed by "driving [the automobile] under a variety of conditions and accurately measuring the noise for each condition." *See, e.g.*, column 20, lines 47-58.

Withdrawal of the rejections to claims 1, 2, 5-10, 12, 13 and 16-20 is requested.

New claims 21-24 are patentable over the prior art for at least the same reasons as claims 1-19 as the prior art does not disclose, teach or suggest each and every element of the claims, including "creating a noise parameter based on the vehicle condition inputs."

C. Claims 3, 4, 11, 14 and 15 were rejected as unpatentable over Patterson in view of Dougherty and in further view of Kasai

The §103(a) rejection of claims 3, 4, 11, 14 and 15 is traversed. Claims 3, 4, 11, 14 and 15 depend directly or indirectly from claims 1, 10, or 12 and are therefore patentable over the references for at least the same reason.

Withdrawal of the rejections to claims 3, 4, 11, 14 and 15 is requested.

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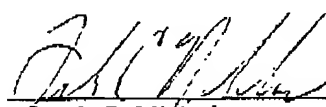
SUMMARY

The Examiner's rejections of claims 1-20 have been obviated by the amendments and remarks herein supporting an allowance of pending claims 1-19 over the art of record. The Applicant respectfully submits that claims 1-19 and 21-24 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: September 22, 2004

Respectfully submitted,
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